

28.03.2025

Item no.49.

Court No.29.

S. De
(Allowed)

CRM (DB) No. 652 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Jamuria Police Station Case No. 236 of 2021** dated **18.06.2021** under **Sections 363/365/376D/506/120(B)** of the Indian Penal Code.

And

In the matter of : Sanjay Saw @ Sanjay Shaw.

...Petitioner.

Mr. Kunal Gangully,for the Petitioner.

Ms. Suchismita Dutta, ...for the De facto Complainant.

Mr. S.S. Imran,

Mr. Debanik Das, ...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has been falsely implicated. A co-accused person by the name of Manish Yadav has been granted bail by an order dated December 4, 2024, in CRM (DB) 3482 of 2024, on the ground that the victim girl and her mother have both turned hostile as witnesses. He stands on the same footing. He prays for bail.
2. Learned State advocate, while opposing the prayer for bail, says that the victim girl's evidence recorded before the learned Trial Court is different from what she stated before the Magistrate while recording her statement under Section 164 Cr.P.C. (Section 183 B.N.S.S.)
3. Learned advocate for the de facto complainant says that she has instructions that the victim has been threatened by the petitioner's uncle and aunt a few days ago.

4. If the victim has been threatened, she can take appropriate steps by lodging complaint with the police and the police shall take necessary action. However, we see that the victim and the de facto complainant have been declared hostile as witnesses by the prosecution. This has made a significant dent in the prosecution case.
5. In view of the aforesaid and considering that the petitioner is in custody for 3 years and 7 months, we are inclined to allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely, **Sanjay Saw @ Sanjay Shaw** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Additional Sessions Judge, 2nd Court, Asansol, Paschim Bardhaman. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Inspector-in-Charge/Officer-in-Charge of the said police station once in a week, until further orders.
7. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.
8. The application for bail is, accordingly, allowed.

9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)